

Attorney's Docket No. 560043628/560

PATENT

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James W. Webster and Julius C. Lockhart  
Serial No.: 09/824,490  
Filed: April 2, 2001  
Confirmation Number: 9378  
Customer Number:  
For: Modular Enclosure System for Electronic Equipment

COMPLETION OF FILING REQUIREMENTS

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

ATTENTION: Application Division

(check and complete this item, if applicable)

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed May 22, 2001.
- ☒ A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

DECLARATION OR OATH

- II. ☒ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

OR

- ☐ The declaration or oath which was filed was determined to be defective. A new original oath or declaration is attached.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service  
"Express Mail Post Office to Addressee" Service  
under 37 C.F.R. § 1.10 on the date indicated below  
and is addressed to the Assistant Commissioner of  
Patents, Washington, D.C. 20231  
Date: July 20, 2001

FACSIMILE

☐ transmitted by facsimile to the  
Patent and Trademark Office

Patricia Ann Merrill  
Signature

Express Mail Mailing Label No. ET372945493US

Patricia Ann Merrill  
(type or print name of person certifying)

(complete (c) or (d), if applicable)

Attached is a

- (c) ☒ Statement by a registered attorney that the application filed in the PTO is the application which the inventors executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

**AMENDMENT CANCELLING CLAIMS**

- III. ☐ Cancel claims \_\_\_\_\_ inclusive.

**TRANSMITTAL OF ENGLISH TRANSLATION  
OF NON-ENGLISH LANGUAGE PAPERS**

- IV. ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

**SMALL ENTITY STATUS**

- V. ☐ A verified statement that this filing is by a small entity

(check and complete applicable items)

- ☐ is attached
- ☐ A separate refund request accompanies this paper.
- ☐ was filed on \_\_\_\_\_ (original)

## COMPLETION FEES

### VI.

**WARNING:** Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 CFR 1.53(d).

1. Filing fee
  - ☐ original patent application (37 CFR 1.16(a)—\$730.00;  
small entity—\$365.00 \$ \_\_\_\_
  - ☐ design application (37 CFR 1.16(f)—\$300.00;  
small entity—\$150.00 \$ \_\_\_\_
  - \$ \_\_\_\_
2. Fees for claims
  - ☐ each independent claim in excess of 3 (37 CFR 1.16(b)—  
\$76.00; small entity—\$38.00) \$ \_\_\_\_
  - ☐ each claim in excess of 20 (37 CFR 1.16(c)—\$22.00;  
small entity—\$11.00) \$ \_\_\_\_
  - ☐ multiple independent claim(s) (37 CFR 1.16(d)—\$240.00;  
small entity—\$120.00) \$ \_\_\_\_
  - \$ \_\_\_\_
3. Surcharge fees
  - ☐ late payment of filing fee
  - and/or
  - ☒ late filing of original declaration or oath  
37 CFR 1.16(e)—\$130.00; small entity—\$65.00); \$130.00
4. ☐ Petition and fee for filing by other than all  
the inventors  
or a person not the inventor  
(37 CFR 1.17(h) and 1.47—\$130.00) \$ \_\_\_\_
5. ☐ Fee for processing an application filed with a  
specification in a non-English language  
(37 CFR 1.17(k) and 1.52(d)—\$130.00) \$ \_\_\_\_
6. ☐ Fee for processing and retention of application  
(37 CFR 1.21(l) and 1.53(d)—\$300.00) \$ \_\_\_\_
7. ☒ Assignment (See "ASSIGNMENT COVER SHEET".) \$ 40.00

Total completion fees \$170.00

## EXTENSION OF TIME

VII.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$ 195.00
<input type="checkbox"/> three months	\$ 890.00	\$ 445.00
<input type="checkbox"/> four months	\$ 1,390.00	\$ 945.00

Fee \$ \_\_\_\_\_

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

- (b) ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## TOTAL FEE DUE

VIII.

The total fee due is

Completion fee(s)	\$ 170.00
Extension fee (if any)	\$

TOTAL FEE DUE \$170.00

## PAYMENT OF FEES

IX.

- ☒ Enclosed is a check in the amount of \$170.00
- ☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_  
A duplicate of this request is attached.

**AUTHORIZATION TO CHARGE ADDITIONAL FEES**

X.

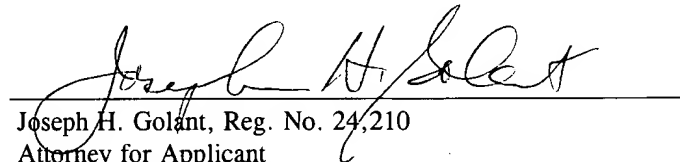
**WARNING:** *Accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized.*

- ☒ The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the pendency of this application to Account No. 10-1202\_
- ☒ 37 CFR 1.16(a), (f) or (g) (filing fees)
- ☒ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)
- ☒ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 CFR 1.17 (application processing fees)

**WARNING:** *While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR 1.1367(a) is to no avail unless a request or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).*

- ☐ 37 CFR 1.18 (issue fee at or before mailing Notice of Allowance, pursuant to 37 CFR 1.311(b))

Respectfully submitted,

  
\_\_\_\_\_  
Joseph H. Golant, Reg. No. 24,210  
Attorney for Applicant  
Tel. No.: (312) 269-1534

Jones, Day, Reavis & Pogue  
Suite 3500  
77 West Wacker Drive  
Chicago, Illinois 60601-1692



Attorney Docket No.: 560043620560

**COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**MODULAR ENCLOSURE SYSTEM FOR ELECTRONIC EQUIPMENT**

the specification of which:

(check one) \_\_\_\_ is attached hereto

  X   was filed on April 2, 2001 as Application Serial No. 09/824,490.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendments referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: None.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application: None.

As named inventor, I hereby appoint: RONALD A. SANDLER, Reg. No. 23,066; RUSSELL I. McILWAIN, Reg. No. 28,641; SANDRA B. WEISS, Reg. No. 30,814; MARC S. BLACKMAN, Reg. No. 43,501; DAVID L. WITCOFF, Reg. No. 31,443; JOHN A. MARLOTT, Reg. No. 37,031; JOSEPH H. GOLANT, Reg. No. 24,210; MARK V. CAMPAGNA, Reg. No. 42,380; KRISTA S. SCHWARTZ, Reg. No. 42,134 and STACY A. BERMAN, Reg. No. 44,534 who are with the firm of JONES, DAY, REAVIS & POGUE, as my attorneys, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected herewith.

I request that all correspondence be directed to:

Joseph H. Golant, Esq.  
JONES, DAY, REAVIS & POGUE  
77 West Wacker Drive  
Chicago, Illinois 60601-1692

Please direct all telephone calls to Joseph H. Golant (312) 782-3939.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first co-inventor: **James W. Webster**

Inventor's signature: James W. Webster Date 4/23/2001

Residence: 17W251 Byron Street  
Bensenville, Illinois 60106  
United States of America

Citizenship: United States of America

Post Office Address: same as residence

Full name of second co-inventor: **Julius C. Lockhart**

Inventor's signature: Julius C. Lockhart Date 4/24/2001

Residence: 2309 South Kostner Avenue  
Chicago, Illinois 60623  
United States of America

Citizenship: United States of America

Post Office Address: same as residence



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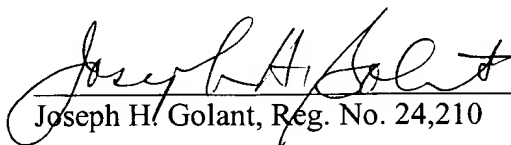
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**STATEMENT BY ATTORNEY THAT APPLICATION FILED IN PTO IS THE  
ONE INVENTOR EXECUTED BY SIGNING DECLARATION**

I, Joseph H. Golant  
Jones, Day, Reavis & Pogue  
Suite 3500  
77 West Wacker, Chicago, IL 60601-1692  
(312) 269-1534

state I am the attorney for this application and the application identified above is the application which the inventor executed by signing the declaration which is being submitted herewith.

Respectfully submitted,

  
Joseph H. Golant, Reg. No. 24,210